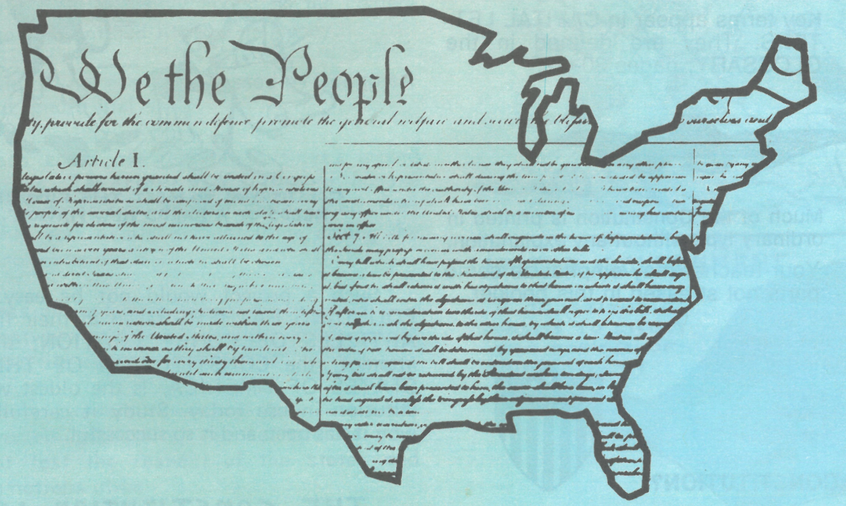
YES

Understanding The U.S. Constitution

Original Text & Current Interpretation

CONSTITUTION BICENTENNIAL • 1787–1987



"Proclaim liberty throughout all the land, unto all the inhabitants thereof."

U.S. CONSTITUTION

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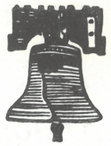
HOW TO USE THIS STUDY AID

Blue type — The original, complete text of the Constitution is printed on a medium shade color block and usually appears on the left side of the page. The parts of the Constitution that no longer apply are printed in blue type.

Boldface type — Very important sections are printed in boldface type (see example at left). Pay close attention to such a section and to the explanation printed beside it.



CAPITALS — Key terms appear in CAPITAL LETTERS. They are defined in the GLOSSARY, pages 30–32.

Ordinary Type — Much of the Constitution is printed in ordinary type without any explanation. Your teacher may emphasize some parts not stressed in this booklet.

WHAT IS A CONSTITUTION?

It is a system of fundamental laws and principles for operation of a government or other organization. It may describe the distribution of powers, officers and divisions of government, terms of office, and election provisions. However, it does not include all details needed for day-to-day operation of the government.

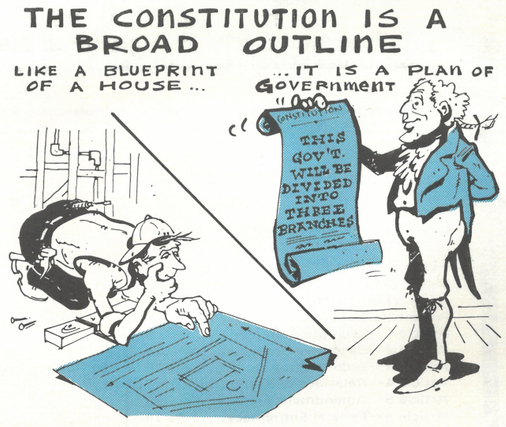
A good constitution is not so specific that it must be formally AMENDED every time the government has to solve a new problem. For example, there were no airplanes in 1787, when the U.S. Constitution was written. You will see, though, that the writers of the Constitution did give the NATIONAL GOVERNMENT the power to make laws about airplanes without even knowing that they would be invented.

If a new nation were founded today, could you write a constitution that would solve all the problems that nation might face 200 years from now? No, you could not. Possibly, however, you could write a document that, if accepted as the law, would:

Preserve the principles and ideals of the nation.

Provide procedures through which the people of future centuries could attempt to solve their problems.

Such a project would not be easy. Even our FOUNDING FATHERS failed in their first try, the ARTICLES OF CONFEDERATION; their second attempt, the CONSTITUTION OF THE UNITED STATES OF AMERICA, is the oldest written constitution in use today. Study it carefully, and see why it has been and is so successful.


THE CONSTITUTION IS A BROAD OUTLINE
LIKE A BLUEPRINT OF A HOUSE...
...IT IS A PLAN OF GOVERNMENT
CONSTITUTION
THIS GOV'T. WILL BE DIVIDED INTO THREE BRANCHES

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ARTICLES OF CONFEDERATION

In your study of American history, you learned that the original 13 colonies had separate charters and lines of control from England. The colonists did not unite until they had to organize and fight the Revolutionary War. After the Revolution, having won their freedom from England, they thought of themselves as SOVEREIGN states.

The newly formed states were unwilling to give much power to a CENTRAL or NATIONAL government. The first constitution they wrote reflected this attitude. It was called the ARTICLES OF CONFEDERATION.

This constitution joined the former 13 colonies in a loose alliance of states, but it did not create a strong, united country:

1. Congress could not levy taxes, so the confederate government had little or no money.

- If a state did not like a law passed by Congress, it could ignore that law.

- Congress could not regulate business among the states. The states were free to impose tariffs on goods from another state, and they did. This very nearly brought trade among the states to a standstill.

- Congress did not have the power to settle disputes between states. The peace was disturbed by states fighting over boundaries.

- Without the powers necessary to effect order and promote prosperity, the confederate government lost the respect of the states and foreign nations alike.

In summary, the Articles of Confederation failed because they were not the supreme law of the land. Ten years after the revolution they were replaced by our present Constitution.

FUNDAMENTALS OF THE CONSTITUTION OF THE UNITED STATES

Most of the framers of the new Constitution believed that a united country with a strong national government was needed. They did not want this government to become too strong, however. They wanted to make sure that no government officials were given so much power that they could become tyrannical. They recognized that the ultimate political power belonged to the people. By voting, citizens of the United States have the power to elect their public officials.

Perhaps the most important purpose of our Constitution is to establish a LIMITED GOVERNMENT. The BILL OF RIGHTS lists things that government may not do.

Our Constitutional Fathers were familiar with dictatorships or monarchies in which the leaders determined their own powers. Ours is a LIMITED GOVERNMENT in which the powers of public officials are limited by the Constitution.

UNLIMITED GOVERNMENT
OFF WITH HIS HEAD!!!
LIMITED GOVERNMENT
A CONSTITUTION SERVES TO LIMIT THE POWER OF GOVERNMENT
CONSTITUTION
"...CONGRESS SHALL HAVE THE POWER..."
"...CONGRESS SHALL MAKE NO LAW..."

The Constitution employs three major devices that help to prevent any one part of the government from becoming too powerful. They are known as:

1. FEDERAL SYSTEM
2. SEPARATION OF POWERS
3. CHECKS AND BALANCES

FEDERAL SYSTEM

At the time our Constitution was written, most of the power was in the hands of the 13 independent states. Although the states were reluctant to give up their independence, they did see the need for delegating some of their powers to a NATIONAL GOVERNMENT. They compromised by dividing the powers of government between the STATE GOVERNMENTS and the NATIONAL GOVERNMENT in what

we call the FEDERAL SYSTEM. This division is an important factor in preventing the concentration of power: the domination of the smaller by the larger states or, more important, the domination of the states by the NATIONAL GOVERNMENT. The FEDERAL SYSTEM has not always worked perfectly. Some of the most serious disputes in our history have arisen over issues of STATES' RIGHTS and the proper role of the NATIONAL GOVERNMENT.

SEPARATION OF POWERS

Every government has three major functions to perform:

1. It must make the laws.
2. It must administer and enforce the laws.
3. It must test the laws to see if they are permitted by the Constitution, must decide what the laws mean, and must judge and decide the punishment of those who violate the laws.

In a DICTATORSHIP, all three of these major powers are in the hands of one person or a small group of individuals. To prevent this from happening here, the writers of the Constitution created a system that divides these powers among three branches of government.

1. LEGISLATIVE BRANCH: Congress makes the laws. (Article I)
2. EXECUTIVE BRANCH: The President administers and enforces the laws. (Article II)
3. JUDICIAL BRANCH: The courts interpret the laws and decide if they are constitutional. The courts also judge and determine the punishment of those who violate the law. (Article III)

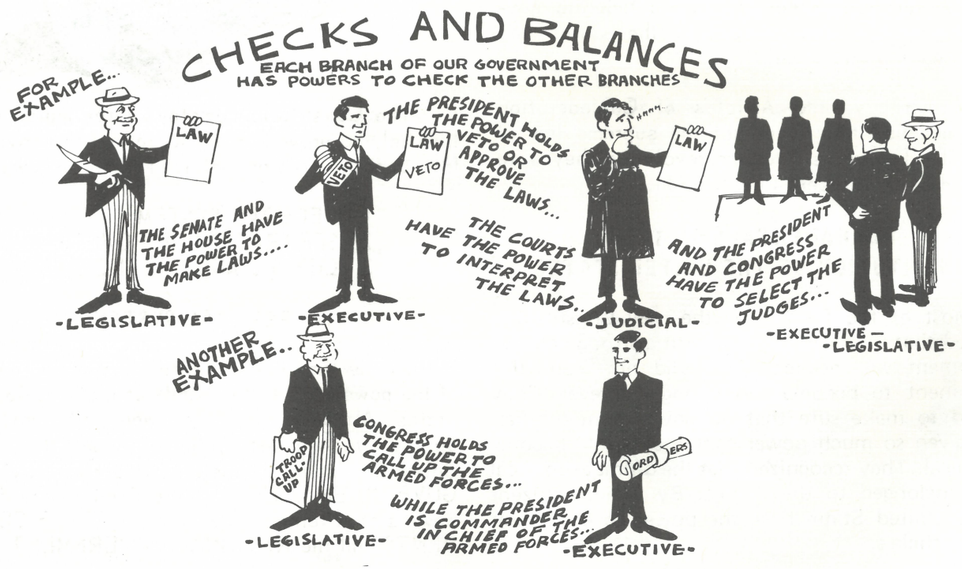
The existence of three branches of government prevents the concentration of power and is known as the SEPARATION OF POWERS.

CHECKS AND BALANCES

Our Founding Fathers were concerned about the possibility of any one of the branches becoming too powerful. To prevent this, and to protect each of the branches against the others and the people against all, they created a system of CHECKS AND BALANCES.

Each of the three branches of government has powers for restraining, or "checking," those of the other two branches. For example, Congress has the power of the purse-strings. It can refuse funds to another branch. It can also refuse to pass laws the President or the Judiciary wants. The President, on the other hand, can veto laws passed by the Congress. The Judiciary can reject Congressional laws or Presidential actions as UNCONSTITUTIONAL.

The term, CHECKS AND BALANCES, also applies to certain of the relations between the states and the national government, and to the relations between both houses of the legislature. Each of these has certain powers to "check" the other.


CHECKS AND BALANCES
EACH BRANCH OF OUR GOVERNMENT HAS POWERS TO CHECK THE OTHER BRANCHES
FOR EXAMPLE..
LAW
THE SENATE AND THE HOUSE HAVE THE POWER TO MAKE LAWS....
-LEGISLATIVE-
VETO
LAW
VETO
THE PRESIDENT HOLDS THE POWER TO VETO OR APPROVE THE LAWS...
-EXECUTIVE-
HAVE THE COURTS THE POWER TO INTERPRET THE LAWS..
LAW
-JUDICIAL-
AND THE PRESIDENT AND CONGRESS HAVE THE POWER TO SELECT THE JUDGES...
-EXECUTIVE — -LEGISLATIVE-
ANOTHER EXAMPLE..
TROOPS CALL UP
CONGRESS HOLDS THE POWER TO CALL UP THE ARMED FORCES...
-LEGISLATIVE-
WORD
WHILE THE PRESIDENT IS COMMANDER IN CHIEF OF THE ARMED FORCES...
-EXECUTIVE-

CONGRESS HAS THE POWER TO DECLARE WAR

REVIEW QUESTIONS

1. What is a constitution?
2. What are the three major devices employed by our Constitution to prevent any one part of the government from becoming too powerful?
3. Explain the principle of SEPARATION OF POWERS.
4. How does the system of CHECKS AND BALANCES work?
5. What is meant by our FEDERAL SYSTEM?

ORGANIZATION OF THE CONSTITUTION

The Constitution, written by our Founding Fathers at the Philadelphia Convention of 1787, presents the fundamental concepts of our American system of government. The document is brief, its language is clear, and its organization is simple.

- The PREAMBLE introduces the Constitution by stating its purpose and authority.
- Articles I - IV describe the framework of the government and its powers and responsibilities.
- Article V sets forth the procedure for changing (amending) the Constitution.
- Article VI states the doctrine of FEDERAL SUPREMACY: that the Constitution shall be the SUPREME LAW OF THE LAND.
- Article VII gives the procedure for ratification of the Constitution.
- Signatures of the delegates to the Constitutional Convention appear at the end.
- The twenty-six amendments follow. The first ten amendments are known as the BILL OF RIGHTS.

UNITED STATES CONSTITUTION

TEXT OF THE CONSTITUTION

Preamble

We, the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

NOTES ON THE CONSTITUTION

Note this: "we, the people" establish this Constitution.

The PREAMBLE states the purposes of the Constitution. Everything that our government does should help to further these goals:

1. Unite the country
2. Establish justice
3. Insure peace within the United States
4. Provide for defense against foreign enemies
5. Promote the general welfare
6. Safeguard our freedom for ourselves and future generations.

LEGISLATIVE BRANCH
Two Houses

EXAMPLE: SEPARATION OF POWERS

The CONGRESS makes the laws for the United States

Article I concerns the legislative (law-making) branch of the United States government: The United States Congress, which consists of two houses, the Senate and the House of Representatives.

Section 2

1. **The House of Representatives shall be composed of members chosen every second year by the people** of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the **age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.**

3. **Representatives** and direct taxes **shall be apportioned among the several States** which may be included within this Union. **according to their respective numbers,** which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. **The actual enumeration shall be made** within three years after the first meeting of the Congress of the United States, and within **every** subsequent term of **ten years,** in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware, one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. **When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.**

5. **The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.**

2- House of Representatives

Section 2 concerns the HOUSE OF REPRESENTATIVES. Remember these points:

1. Members are elected by the people of the state they represent.

2. The term of office is two years. All terms end at the same time. Hence, we have a "new Congress" (actually only a new House of Representatives) every two years.

3. A member of the House of Representatives must:
   - be at least 25 years old.
   - have been a U.S. citizen for at least seven years.
   - live in the state he represents.

4. The chief officer of the House of Representatives is called THE SPEAKER.

Note that some portions of the Constitution no longer apply, or have been changed by amendments. These portions are printed in blue type with no shading. For example in Part 3, Section 2, Article I, "other persons" meant slaves. All slaves were freed by the 13th Amendment. (See page 24)

The number of REPRESENTATIVES and votes that a state has in the HOUSE depends on the number of people who live in the state. Every state is guaranteed at least one Representative no matter how small its population may be.

The seats in the House are REAPPORTIONED every 10 years according to the changes in population among the states. These changes are determined by the CENSUS taken by the national government.

Today, the total membership of the House is fixed at 435 with one Representative for about every 400,000 to 500,000 people.

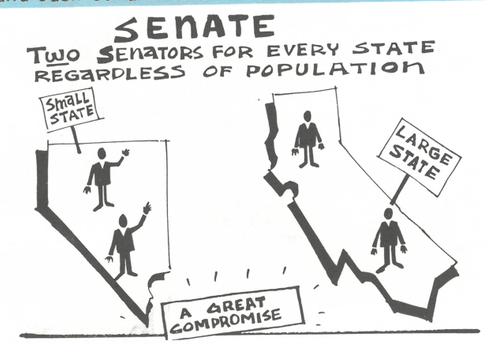
If a Representative dies or resigns, a special election is held so that the people of his district can elect a new Representative.

Only the House has the right to present charges of misconduct in office. This is called the POWER OF IMPEACHMENT.

Blue type indicates original form that does not apply today.

Section 3

1. **The Senate of the United States Shall be composed of two Senators from each State** (chosen by the legislature thereof) **for six years;** and each Senator shall have one vote.



2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that **one-third may be chosen every second year;** and **if vacancies happen** by resignation, or otherwise, during the recess of the legislature of any State, **the executive** thereof **may make temporary appointments** until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the **age of thirty years,** and been **nine years a citizen** of the United States, and who shall not, when elected, be **an inhabitant of that State for which he shall be chosen.**

4. **The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.**

5. **The Senate shall choose their other officers,** and also a **President pro tempore,** in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. **The Senate shall have the sole power to try all impeachments.** When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and **no person shall be convicted without the concurrence of two-thirds of the members present.**

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States, but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

3–Senate

In the Senate, Nevada, with a population of approximately 800,000, has the same representation as California, with a population of approximately 24,000,000. Regardless of population, each state has two Senators in the U.S. Congress. This compromise was exacted by the smaller states, who feared domination by the larger states.

Senators are now chosen by direct election of the people (see Amendment 17). U.S. Senators are elected for a six-year term. Senatorial elections are held, however, every two years, at which time only one-third of the Senators are elected. This staggering of elections makes the Senate, in contrast to the House, a continuous body.

If a Senator dies or resigns, the governor of his state may appoint someone to complete his term, or to serve until the next general election.

Members of the U.S. Senate must:

- be at least 30 years old.
- have been a citizen for at least nine years.
- live in the state that they represent.

The Vice-President serves as President of the Senate, but may vote only in case of a tie.

With the exception of the President of the Senate, the members of the Senate and House of Representatives decide who their leaders shall be. The people have no direct control over these choices.

EXAMPLE: LEGISLATIVE CHECK ON EXECUTIVE

IMPEACHMENT

To impeach a public official is to ACCUSE him of misconduct. When the House votes to impeach a "civil officer of the United States," it merely presents charges of misconduct in office. Only the Senate has the power to try an officer for these charges. In our history several judges were removed from office by IMPEACHMENT AND CONVICTION—one for drunkenness, one for receiving bribes, and another for questionable behavior. Only one President, Andrew Johnson, was impeached, but he was not convicted nor removed from office. Members of Congress are not "officers" of the U.S. Government and are not subject to the Impeachment Process but may be expelled or punished. (See Sec. V, 2.) Recently, impeachment proceedings were begun against a second President, Richard M. Nixon, but he resigned before the charges were voted on by the entire House of Representatives.

Blue type indicates original form that does not apply today.

Section 4

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators.

2. The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

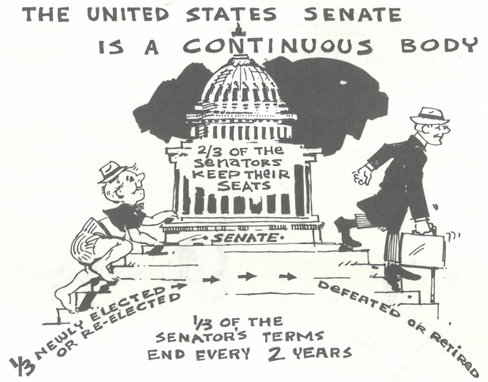
3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and **for any speech or debate in either House, they shall not be questioned in any other place.**

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.


THE UNITED STATES SENATE
IS A CONTINUOUS BODY
2/3 OF THE SENATORS KEEP THEIR SEATS
SENATE
1/3 NEWLY ELECTED OR RE-ELECTED
DEFEATED OR RETIRED
1/3 OF THE SENATOR'S TERMS END EVERY 2 YEARS

4–Elections and Meetings of Congress

Section 4 deals with the rules governing elections. Section 2 has been superseded (replaced) by Amendment 20.

The Congress now starts its SESSIONS on January 3 (see Amendment 20).

5- Powers and Duties of the Houses

Section 5 describes the powers of the Houses over their members.

The Congress has the right to refuse to seat a member, even though he has been elected by the people, or to punish or to expel a member.

Each house makes its own rules.

The proceedings of the Congress are published in the CONGRESSIONAL RECORD.

In addition to the powers enumerated in this section, the Houses also have certain INHERENT powers. For example, Congress has the power to investigate, to compel witnesses to testify, and to punish nonmembers for CONTEMPT OF CONGRESS.

6- Privileges and Restrictions on Congressmen

Note that members of Congress cannot be sued for anything they say in the House or the Senate.

EXAMPLE: SEPARATION OF POWERS

A member of the legislature is not permitted to hold an office in another branch of the government.

Blue type indicates original form that does not apply today.

Section 7

1. **All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.**

2. **Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it, but if not, he shall return it, with his objections,** to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. **If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law.** But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

7- Bills To Raise And Spend Money

BILLS to determine taxes and the spending of money must begin in the House of Representatives. The men who wrote the Constitution believed that the House was more directly under the control of the people and, therefore, should have primary control over the nation's finances. The Senate must approve all money bills and also has the power to amend them.

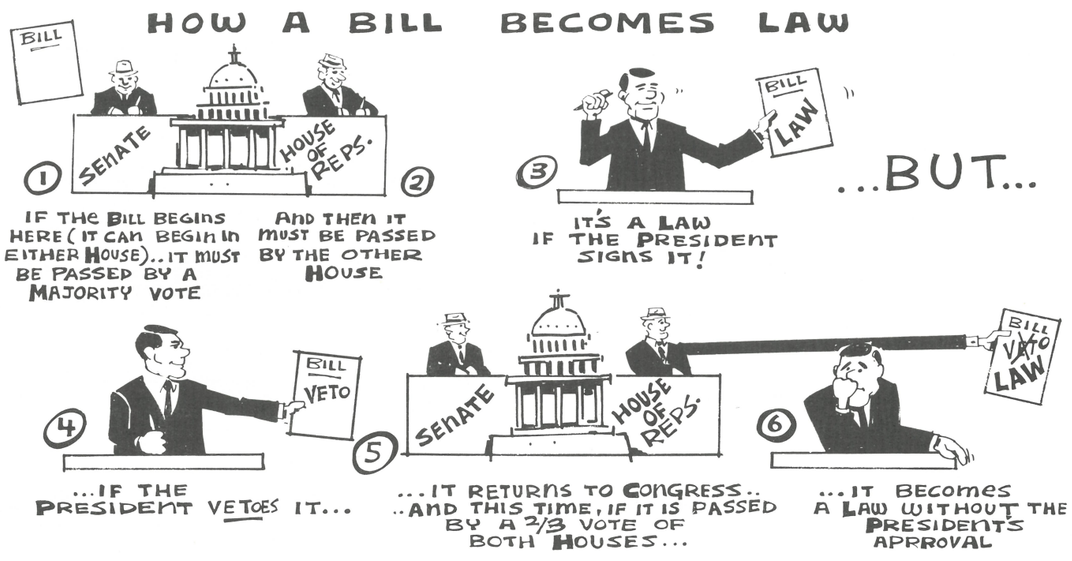
President's Veto

EXAMPLE: EXECUTIVE CHECK ON LEGISLATURE

When the President refuses to approve a bill, we say he has VETOED it.

The procedure in passing a bill is an excellent example of CHECKS AND BALANCES.

A bill can become a law without the President's signature if 2/3 of the members of both Houses vote to override the President's objections. If the President ignores a bill for 10 days while the Congress is in session, the bill automatically becomes law. However, if the Congress adjourns in less than 10 days after sending a bill to the President, and he does not return it with his signature, the bill then fails to become a law. The President's failure to sign a bill, when the Congress is due to adjourn within the next 10 days, is known as a POCKET VETO.



3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8

The Congress shall have power:

1. **To lay and collect taxes, duties, imposts, and excises, to pay the debts; and provide for the common defence and general welfare, of the United States;** but all duties, imposts, and excises shall be uniform throughout the United States;
2. **To borrow money** on the credit of the United States;
3. **To regulate commerce** with foreign nations, and **among the several States,** and with the Indian tribes;
4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;
5. **To coin money,** regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
6. To provide for the punishment of counterfeiting the securities and current coin of the United States;
7. To establish post offices and post roads;
8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;
9. **To constitute tribunals inferior to the Supreme Court;**
10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
11. **To declare war,** grant letters of marque and reprisal, and make rules concerning captures on land and water;
12. **To raise and support armies,** but no appropriation of money to that use shall be for a longer term than two years;
13. **To provide and maintain a navy;**
14. To make rules for the government and regulation of the land and naval forces.
15. **To provide for calling forth the militia** to execute the laws of the Union, suppress insurrections, and repel invasions;
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress;

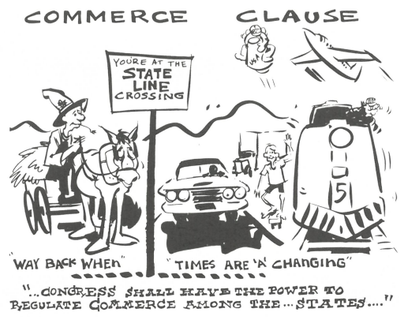
8- Legislative Powers of Congress

Section 8 is generally considered one of the most important parts of the Constitution since it describes the law-making powers of the NATIONAL GOVERNMENT. The section lists two types of powers: ENUMERATED powers, described in detail in paragraphs 1–17; and IMPLIED powers, of paragraph 18, the so-called ELASTIC CLAUSE, because it has the effect of stretching the enumerated powers.

TAXATION is one of the most unpopular, and most necessary, powers of Congress.

Do you own any U.S. savings bonds? This means that the United States has borrowed money from you.

Provision three is called the COMMERCE CLAUSE and has been the basis for much of the increase in the responsibility and power of the federal government.


COMMERCE CLAUSE
YOU'RE AT THE STATE LINE CROSSING
"WAY BACK WHEN"
"TIMES ARE 'N CHANGING"
"...CONGRESS SHALL HAVE THE POWER TO REGULATE COMMERCE AMONG THE...STATES...."

The Constitution provides for a SUPREME COURT only but gives Congress the power to create lower FEDERAL COURTS.

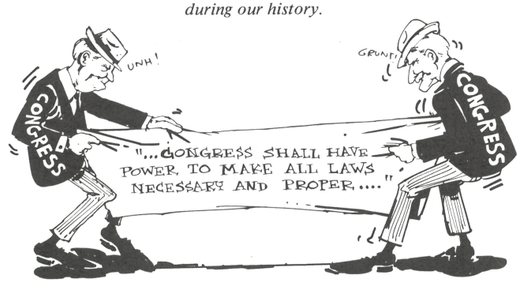
Remember, Congress — not the President has the power to declare war, but the President may engage American troops in military actions to protect national security or fulfill treaty obligations.

Blue type indicates original form that does not apply today.

17. **To exercise exclusive legislation** in all cases whatsoever, **over such district** (not exceeding ten miles square) **as may,** by cession of particular States, and the acceptance of Congress, **become the seat of the Government of the United States,** and to exercise like authority over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and
18. **To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,** and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

THE ELASTIC CLAUSE

Congress has often had to expand the functions of the national government during our history.



Section 9

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
2. **The privilege of the writ of habeas corpus shall not be suspended,** unless when, in cases of rebellion or invasion, the public safety may require it.
3. **No bill of attainder, or ex post facto law, shall be passed.**
4. No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
5. **No tax or duty shall be laid on articles exported from any State.**

Our capital city, Washington, D.C., is governed by the Congress.

Section 8—Clause 18 is known as the ELASTIC CLAUSE because it has allowed a tremendous expansion of the power of the national government during our history. It permits the Congress to pass laws necessary for fulfilling the responsibilities specifically listed in Section 8 and other parts of the Constitution, i.e., to these ENUMERATED POWERS, the ELASTIC CLAUSE adds other, related powers, which we call IMPLIED POWERS. Coupled with the COMMERCE CLAUSE, the ELASTIC CLAUSE is especially important. How can Congress regulate television broadcasting when the Constitution does not mention T.V.? We saw that "Congress shall have power to... regulate commerce... among the several states." COMMERCE means business. Television broadcasting is a business that frequently reaches several states at the same time. Thus, television is classified as INTERSTATE COMMERCE, and the Congress has the right to regulate it.

WRIT OF HABEAS CORPUS

Section 9

HABEAS CORPUS is considered the most important safeguard of personal liberty. The principle protects the individual from being arrested and jailed for an unreasonable length of time without a trial or just cause.

A BILL OF ATTAINDER is a law which automatically punishes a person without a trial. An EX POST FACTO LAW is a new law which punishes an individual for something he did before the law was passed. Such laws are UNCONSTITUTIONAL in the United States.

Note that Section 9, part 1, which is no longer applicable, prohibited the importation of slaves after 1808. Part 4 was repealed by Amendment 16.

Blue type indicates original form that does not apply today.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; **nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.**

7. **No money shall be drawn from the treasury, but in consequence of appropriations made by law;** and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. **No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.**

Section 10

1. **No State shall** enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. **No State shall,** without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. **No State shall,** without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

EXAMPLE: LEGISLATIVE CHECK ON EXECUTIVE

The President may not spend money unless he has the authorization of the Congress. This is an important curb on Presidential power.

Our Founding Fathers were familiar with nations in which the nobility inherited special rights and privileges. This section of our Constitution attempts to establish equality of citizenship.

10- What the States May Not Do

This section lists a number of things the states may not do. Notably, they may not:

1. Have a foreign policy of their own.
2. Have a currency (money) different from that of the United States.
3. Tax imports from other countries or states.

In addition, this section forbids the states to do things that the NATIONAL GOVERNMENT is expressly forbidden to do, e.g., pass an ex post facto law.

Notice that there are certain powers delegated to the national government only, such as conducting foreign and military affairs, coining money, and establishing trade restrictions.

You may recall that under the ARTICLES OF CONFEDERATION the states sometimes taxed goods coming from other states, just as our federal government now may tax goods coming from foreign nations. Sections 9 and 10 of Article 1 plus the COMMERCE CLAUSE have had the effect of creating a great free-trade zone or common market within the United States and have contributed to the tremendous industrial growth of our nation.

WHAT IF EVERY STATE HAD DIFFERENT LAWS... SAY.. REGULATING AIR TRAFFIC ?...

REVIEW QUESTIONS

1. What is the term of office for a Representative? For a Senator?
2. What is a new Congress?
3. What does impeachment mean? Can you find examples of impeachment in our history?
4. What is reapportionment? How and when is it effected? Is the total number of Representatives limited?
5. What is the Vice President's relation to the Senate?
6. Why must bills to determine taxes and spending of money begin in the House of Representatives?
7. How can the President's veto be overridden? What is a pocket veto?
8. What is the difference between enumerated powers and implied powers? Give examples of both.
9. How are federal courts created?
10. What is a writ of habeas corpus? What is an ex post facto law? What is a bill of attainder? Use examples for your explanations.
11. Name three ways that states are limited by the National Government.
12. What does the "Elastic Clause" mean?

ARTICLE II

Section 1

1. **The executive power shall be vested in a President of the United States of America.** He shall hold his office during the **term of four years,** and together with the **Vice-President, chosen for the same term,** be elected as follows:

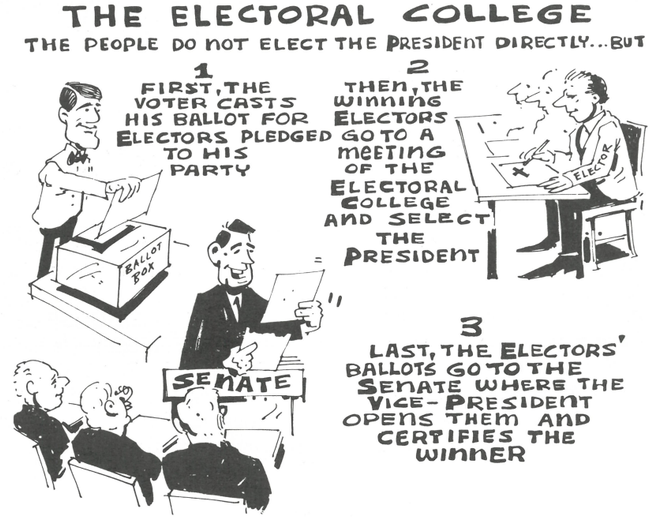
2. **Each State shall appoint,** in such manner as the legislature thereof may direct, **a number of Electors, equal to the whole number of Senators and Representatives, to which the State may be entitled in the Congress;** but no Senator or Representative, or person holding an office of trust or profit, under the United States, shall be appointed an Elector.

EXECUTIVE BRANCH
Term, Election, Qualifications, Salary, Oath of Office

EXAMPLE: SEPARATION OF POWERS

The President is the CHIEF EXECUTIVE of the United States. This means he is the "boss" of the executive branch of the national government. Remember that the people are his boss and can elect or reject him on election day. His chief responsibilities are to administer and enforce the laws of the United States.

Both the President and Vice-President are elected to serve a four-year term. The people of the United States elect the President and the Vice-President indirectly. They are actually elected by the ELECTORAL COLLEGE.


THE ELECTORAL COLLEGE
THE PEOPLE DO NOT ELECT THE PRESIDENT DIRECTLY...BUT
1
FIRST, THE VOTER CASTS HIS BALLOT FOR ELECTORS PLEDGED TO HIS PARTY
BALLOT BOX
2
THEN, THE WINNING ELECTORS GO TO A MEETING OF THE ELECTORAL COLLEGE AND SELECT THE PRESIDENT
ELECTOR
3
LAST, THE ELECTORS' BALLOTS GO TO THE SENATE WHERE THE VICE-PRESIDENT OPENS THEM AND CERTIFIES THE WINNER
SENATE

3. **The Electors shall meet in their respective States, and vote by ballot for two persons,** of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. **The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.** The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then, the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.*

3. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. **No person, except a natural-born citizen,** or a citizen of the United States at the time of the adoption of this Constitution, **shall be eligible to the office of President;** neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President **from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.**

From the beginning of our nation's history, the questions of how to select the President and Vice-President and what to do in case no candidate receives a majority of electoral votes have been a cause of controversy.

All electoral colleges meet at the same time in their respective state capitals and ballot separately for the President and Vice-President.

How many ELECTORAL VOTES does YOUR state have? How is this determined? Why do states like California and New York have more electoral votes than States like Nevada or Vermont? Does Alaska have an electoral College? Does Hawaii? Puerto Rico?

The men who wrote the Constitution thought it would be best if the man who received the second highest number of votes for President became Vice-President. In 1796 John Adams was elected President and his chief opponent, Thomas Jefferson, runner-up, therefore becoming Vice-President. In 1800 Jefferson united with Aaron Burr and each received the same number of electoral college votes for President. This tie forced the choice upon the House of Representatives.

To avoid such results, the twelfth Amendment was adopted providing that Electoral College members shall vote separately for President and Vice-President. (See p. 23.)

The President and the Vice-President are the only public officials who must have been American citizens from birth.

They must be at least 35 years old. Each must have been living in the U.S. for at least 14 years. (See Amendment 12, Sec. 3.)

Congress has provided in the Presidential Succession Act that in case both the President and Vice-President die before the next election, the SPEAKER OF THE HOUSE OF REPRESENTATIVES is to become President. He is followed by the PRESIDENT PRO TEMPORE of the Senate, the Secretary of State, and the other Secretaries of the Cabinet in the order in which their departments were created. Paragraph 5 has been superseded (replaced) by the 25th Amendment.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2

1. **The President shall be Commander in Chief of the army and navy** of the United States and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. **He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court,** and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may on extraordinary occasions, convene both Houses or either of them, and in case of disagreement between them, with respect to the time of adjournment, **he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.**

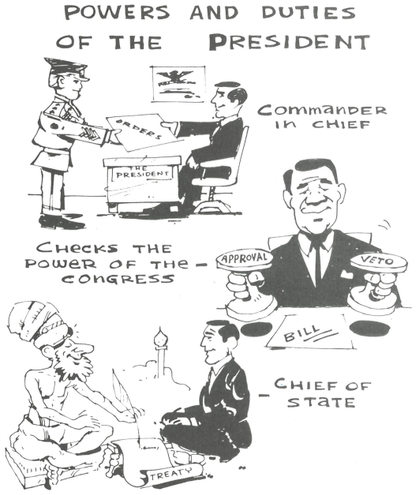
2 - Powers of the President

The President, who is a civilian, is the Commander in Chief of the armed forces. He has the power to remove any of the military from command. Recent examples of this action occurred when President Truman discharged General Douglas MacArthur in 1951 during the Korean conflict and when President Carter removed Major General John Singlaub in 1977.

EXAMPLE: CHECKS AND BALANCES

The President may make treaties with foreign countries, but the treaties must be approved by two-thirds of the Senate. The recent debate over the Panama Canal Treaty is a good example of this provision. The importance of treaties should not be underestimated. America's military involvement in Korea was based on fulfilling a treaty commitment, the United Nations Charter.

The President appoints ambassadors and judges, but their appointment must be ratified by majority vote of the Senate.



3 - President's Duties

Each year the President delivers a STATE OF THE UNION ADDRESS, in which he usually recommends action by the Congress.

EXAMPLE: EXECUTIVE CHECK ON LEGISLATIVE

The President's power to convene the Congress can be used as a CHECK on the legislative branch.

** This amendment further changed by the 12th and 20th Amendment.*

Blue type indicates original form that does not apply today.

Section 4

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Section 1

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

1. **The judicial power shall extend to all cases,** in law and equity, **arising under this Constitution, the laws of the United States,** and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more States; — (between a State and citizens of another State), — between citizens of different States; — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. **In all the other cases** before mentioned, **the Supreme Court shall have appellate jurisdiction,** both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. **The trial of all crimes,** except in cases of impeachment, **shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed;** but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

1. **Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.**

4- Impeachment

Notice the reasons for IMPEACHMENT. Should a national official be impeached because he is unpopular? An official of the U.S. Government can be impeached only for malfeasance, i.e., criminal activities, or nonfeasance, i.e., failure to carry out his official duties.

JUDICIAL BRANCH

1- Courts, Terms of Office

The United States SUPREME COURT is the only court created by the Constitution. However, Congress is empowered to create others.

EXAMPLE: CHECKS AND BALANCES

Although the President and the Senate determine who shall become judges, these judges are appointed for life. This tenure enables them to be more independent of political pressures than if they had to be re-elected or re-appointed.

2- Jurisdiction

This provision simply means that the FEDERAL COURTS will hear cases related to FEDERAL LAW, the Constitution, and other cases that are not the responsibility of any single state.

Would a federal court hear a case concerning a traffic violation? Why? Why not? If somebody robbed the post office, what kind of court would hear the case?

The Supreme Court is the highest court of the United States and has the last word on all appeals that it chooses to hear.

Trial by jury is a Constitutional right in criminal cases. Trials must take place in the state in which the crime was committed.

3- Treason

People are sometimes called traitors if they disagree with government policies. Our Founding Fathers wanted to make sure an individual could criticize the government without fear of being convicted for treason. This is the only crime that is defined in the Constitution.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

Section 1

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and effect thereof.

Section 2

1. **The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.**

2. **A person charged** in any State with treason, felony, or other crime, **who shall flee from justice, and be found in another State, shall,** on demand of the executive authority of the State from which he fled, **be delivered up, to be removed to the State having jurisdiction of the crime.**

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3

1. **New States may be admitted by the Congress into this Union;** but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence.

Punishment of a traitor may not be imposed on his relatives or on his descendants.

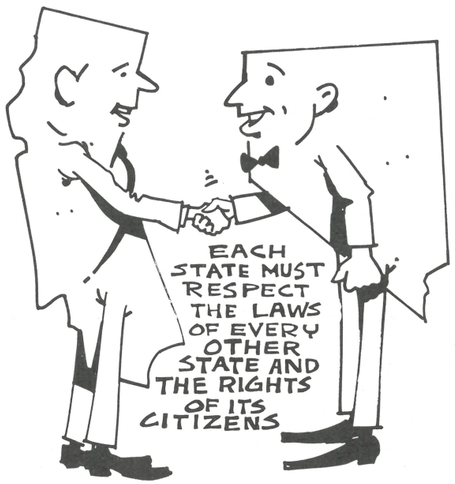
RELATIONS OF STATES

Section 1 makes judgments rendered by the courts of one state enforceable in the courts of any other state. It also obligates individual states to extend to citizens of other states the same rights that are enjoyed by their own citizens. Many conflicts of law have, however, arisen under this section. There is, for example, no uniform traffic or criminal code throughout the country.

2- EXTRADITION

This section makes it difficult for a criminal to avoid arrest by fleeing from one state to another. Occasionally, however, a governor may refuse to return an escaped criminal if he determines such action would not serve the cause of justice.

FULL FAITH AND CREDIT, PRIVILEGES AND IMMUNITIES



4- Guarantees To State Governments

This section attempts to guarantee that each state shall have a representative form of government.

ARTICLE V

The Congress, whenever two-thirds of both **Houses shall deem it necessary, shall propose amendments to this Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress;** (provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article;) and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

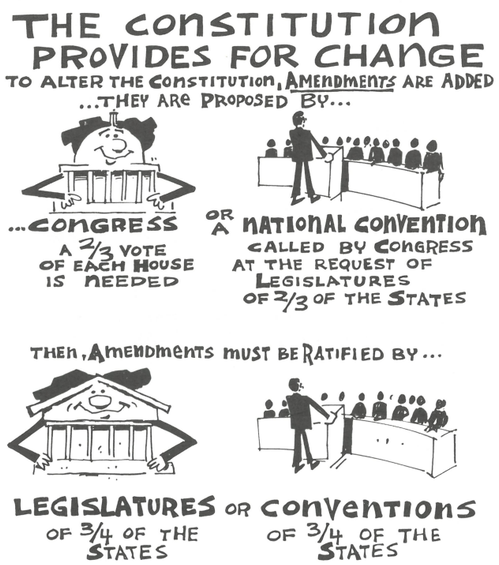
1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

AMENDMENT PROCESS

The writers of the Constitution knew that changes would be needed and provided methods for AMENDMENT. How many times has the Constitution been amended? Find out if any new amendments have been ratified since this study-aid was published.


THE CONSTITUTION PROVIDES FOR CHANGE
TO ALTER THE CONSTITUTION, AMENDMENTS ARE ADDED
...THEY ARE PROPOSED BY...
...CONGRESS
A 2/3 VOTE OF EACH HOUSE IS NEEDED
OR A NATIONAL CONVENTION
CALLED BY CONGRESS AT THE REQUEST OF LEGISLATURES OF 2/3 OF THE STATES
THEN, AMENDMENTS MUST BE RATIFIED BY...
LEGISLATURES OF 3/4 OF THE STATES
OR CONVENTIONS OF 3/4 OF THE STATES

FEDERAL SUPREMACY

The Constitution made the national government the highest LEVEL of government in the U.S.

If a state law comes into conflict with a federal law or the U.S. Constitution, the federal law prevails. The state law may not be enforced. This doctrine is called FEDERAL SUPREMACY.

ARTICLE VII

(ESTABLISHMENT OF CONSTITUTION)

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In Witness whereof, we have hereunto subscribed our names.

Blue type indicates original form that does not apply today.

**THE CONSTITUTION WAS ADOPTED SEPTEMBER 17, 1787.
IT BECAME EFFECTIVE MARCH 4, 1789.**

SIGNERS OF THE CONSTITUTION

Attest:

William Jackson, Secretary

George Washington
President and Deputy from Virginia

NEW HAMPSHIRE
John Langdon
Nicholas Gilman

MASSACHUSETTS
Nathaniel Gorham
Rufus King

CONNECTICUT
William Samuel Johnson
Roger Sherman

NEW YORK
Alexander Hamilton

NEW JERSEY
William Livingston
David Brearley
William Paterson
Jonathan Dayton

PENNSYLVANIA
Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas Fitz-Simons
Jared Ingersoll
James Wilson
Gouverneur Morris

DELAWARE
George Read
Gunning Bedford, Jr.
John Dickinson
Richard Bassett
Jacob Broom

MARYLAND
James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll

VIRGINIA
John Blair
James Madison, Jr.

NORTH CAROLINA
William Blount
Richard Dobbs Spaight
Hugh Williamson

SOUTH CAROLINA
John Rutledge
Charles Pinckney
Charles C. Pinckney
Pierce Butler

GEORGIA
William Few
Abraham Baldwin

REVIEW QUESTIONS

1. What is the Electoral College? Many people feel that this method of electing the President and Vice-President should be changed. Can you suggest a workable alternative? What are the difficulties of a direct, popular election?
2. What is an important curb the Congress has on the power of the President?
3. Why are Federal judges appointed for life?
4. How are court cases divided between Federal and state courts?
5. How is treason defined by the Constitution?
6. What is extradition?
7. How does a territory become a state?
8. How can the Constitution be amended? How is an amendment proposed? How is it ratified?
9. What is a republican form of government?
10. What is appellate jurisdiction?
11. Who is the president pro tempore of the Senate?
12. What is federal supremacy?
13. Name two of the purposes for which the Constitution was established.
14. How many Senators does each state have?
15. How old must a person be to become a U.S. Senator?
16. Can either the Senate or the House be the judge of the qualifications of its own members?
17. When was the Constitution completed and signed?
18. Suppose a a state law conflicts in some way with a federal law. Which law will prevail?

AMENDMENTS TO THE CONSTITUTION

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT 2

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

AMENDMENT 3

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

BILL OF RIGHTS

Some states refused to approve the new Constitution until additional restrictions on the power of government and protections for the individual were included. These demands were met by the first ten amendments which are called the BILL OF RIGHTS. The ten amendments were all ratified by December 15, 1791.

1- Freedom of Religion, Speech, the Press and Rights of Petition

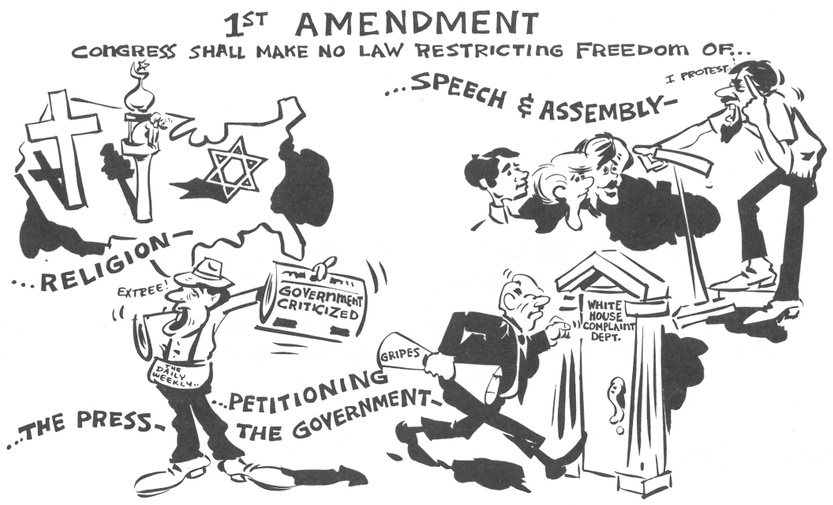
The 1st Amendment is the cornerstone of our civil liberties. In essence, it guarantees us the right to hold and advocate any opinions. The government may not suppress dissent or criticism in any form except in isolated cases of "clear and present danger." It protects us against political pressure toward religious conformity.

2- Right To Keep Arms

This amendment is so short it should always be quoted in its entirety, including the first part which states the reason why "the right of the people to bear arms shall not be infringed." Do you know the meaning of "militia?" This amendment was written at a time when the United States was largely a wilderness. Lacking the means to provide for public protection, the government frequently called upon its citizens to bear arms for their own defense. Is the right to bear arms still important?

3- Quartering of Soldiers in Private Homes

The 3rd and 4th Amendments deal with certain grievances which resulted in the American Revolution. The 3rd Amendment confirms the old principle that "a man's home is his castle".



AMENDMENT 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; **nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

AMENDMENT 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

4- Searches and Seizures

The 4th Amendment states that the police must have more than a vague suspicion before they may arrest a person or search him or his home. Recent Supreme Court decisions have caused much controversy over how the police may obtain evidence needed to convict criminals. Some claim that the Court's strict interpretation of this and the following Amendment is hampering police in their work. The legality of searches has been further complicated by the availability of electronic "bugging" equipment. Unless properly authorized, the use of such devices is illegal, and evidence obtained by illegal means is rejected by the courts. Example: On June 19, 1972, the Supreme Court of the United States ruled that federal officers must have warrants when conducting electronic surveillance ("bugging") even when they are investigating suspected crimes on federal property.

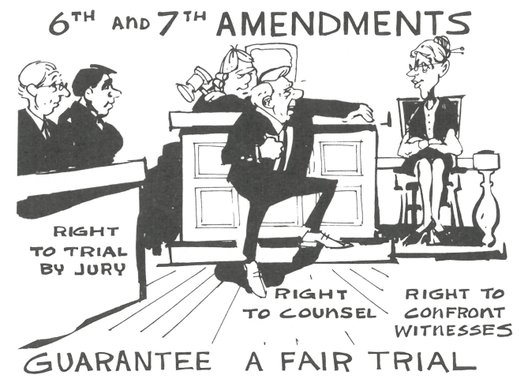
5- Criminal Proceedings

Remember: under our system, a person is considered innocent until proven guilty.

The 5th Amendment states procedures the government must follow in prosecuting a person accused of a crime:

1. He must be formally accused on the basis of sufficient evidence.
2. He may not be tried twice in Federal Court for the same act.
3. He may not be forced to give evidence against himself.

The reference to the "due process of law" means that the government must follow a prescribed legal procedure and shall not act arbitrarily. The last clause of the Amendment compels the government to pay a fair price for any property it seizes for a public purpose, such as a highway.



AMENDMENT 7

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

AMENDMENT 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 9

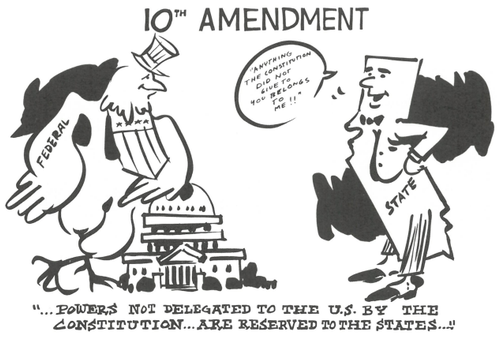
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

AMENDMENT 10

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT 11 (1798)

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.


10TH AMENDMENT
FEDERAL
"ANYTHING THE CONSTITUTION DID NOT GIVE YOU BELONGS TO ME!!"
STATE
"...POWERS NOT DELEGATED TO THE U.S. BY THE CONSTITUTION...ARE RESERVED TO THE STATES...!"

8–Excessive Punishments

The punishment must fit the crime. The law must be reasonable. In the first legal execution since 1967, Gary Gilmore, a convicted murderer, was shot by the state of Utah on January 17, 1977. Is capital punishment "cruel and unusual?"

Some groups have contended that any amount of bail is excessive if the accused is poor. Recently, the courts have released some accused offenders on their own recognizance in lieu of bail. Do you see any problems that might result from this practice?

9–Unenumerated Rights of the People

Certain rights must be respected even though they are not specified in the Constitution.

Can you think of any?

Rights of parents? Right of privacy? Right to be let alone? Right to marry?

10–Powers Reserved to States

The 10th Amendment is often called the STATES' RIGHTS Amendment. But in recent history the Supreme Court has interpreted the 10th Amendment to mean that when the national government uses its power in a constitutional manner, there are no superior powers reserved to the States.

11–Suits Against States

An individual cannot sue a state through the federal courts. (See Article 3, section 1, 1.)

REVIEW QUESTIONS

1. May a person follow any religion he chooses? Can he say anything he wishes? (Amendment 1)
2. Why are the first ten amendments called the "Bill of Rights"?
3. Suppose you are arrested for speeding. Can you be kept in jail for many months before your trial comes up in court? (Amendment 6)
4. Can a citizen keep a shotgun in his home, under provisions of the 2nd Amendment?
5. Suppose a policeman comes to your home and wants to search it for something illegal he thinks you may be hiding. Must you let him in if he does not have a warrant? (Amendment 4)
6. Can a person who is being tried for a criminal offense be forced to give testimony against himself? (Amendment 5)
7. Is the National Guard in each state considered to be the "well-regulated militia" mentioned in Amendment 2?
8. Can any level of government take a person's property, such as a city lot, without paying for it? (Amendment 5)
9. Can a citizen sue a state government by using the Federal Courts? (Amendment 11)
10. Is the right of a group of people to march around a government building, carry signs, and chant slogans protected by the First Amendment?
11. Are the courts restricted in the amount of bail they can require for the release of an accused person? (Amendment 8)
12. In a recent decision of the U.S. Supreme Court, it was declared that government officers with a warrant could enter a newspaper office and look through its files without the consent of the publishers. The newspaper industry is claiming that rights under both the first and the fourth amendments prevent this searching. What do you think?
13. What rights of the states and of the people are mentioned in Amendment 9?

AMENDMENT 12 (1804)

1. **The Electors shall meet in their respective States, and vote by ballot for President and Vice-President,** one of whom, at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and **in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate;** the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; **the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.** But in choosing the President, **the votes shall be taken by States, the representation from each State having one vote;** a quorum for this purpose shall consist of a member or members from two-thirds of the States, **and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act** as President, as in case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; and a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

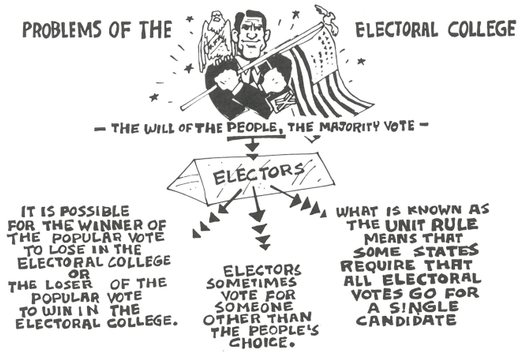
12- Election of President and Vice-President

The 12th Amendment attempts to correct the problems of electing the President and Vice-President that resulted from the provisions of the original Constitution.

It provides that the electors shall vote for the President and Vice-President on separate ballots. If no Presidential candidate receives an electoral majority, the House of Representatives shall elect a President by voting among the three highest-vote-getting candidates submitted by the electoral colleges. If no Vice-Presidential candidate receives an electoral majority, the Senate shall elect a Vice-President by voting among the two highest-vote-getting candidates. If, however, the House of Representatives fails to elect a President from among the three candidates, the Vice-President shall act as President.

How does this section prevent the election of a Vice-President who is a political opponent of the President or a member of a rival political party?

What happens if there is a tie or if no one receives a majority of the Electoral College vote?


PROBLEMS OF THE ELECTORAL COLLEGE
— THE WILL OF THE PEOPLE, THE MAJORITY VOTE —
ELECTORS
IT IS POSSIBLE FOR THE WINNER OF THE POPULAR VOTE TO LOSE IN THE ELECTORAL COLLEGE OR THE LOSER OF THE POPULAR VOTE TO WIN IN THE ELECTORAL COLLEGE.
ELECTORS SOMETIMES VOTE FOR SOMEONE OTHER THAN THE PEOPLE'S CHOICE.
WHAT IS KNOWN AS THE UNIT RULE MEANS THAT SOME STATES REQUIRE THAT ALL ELECTORAL VOTES GO FOR A SINGLE CANDIDATE

Blue type indicates original form that does not apply today.

AMENDMENT 13 (1865)

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 14 (1868)

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

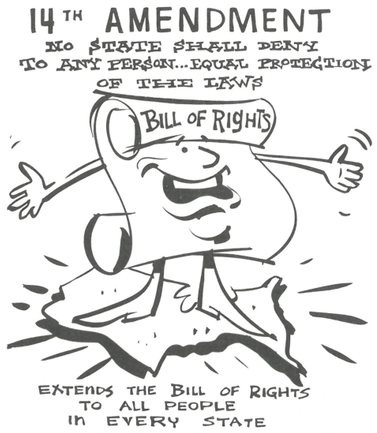
Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

13, 14, 15- Civil Rights

The 13th, 14th, and 15th Amendments are famed CIVIL RIGHTS amendments. Amendment 13 abolishes slavery; Amendment 14 guarantees national and state citizenship to anyone born in the U.S. regardless of race or ancestry; Amendment 15 prohibits the denial of the right to vote because of race.

Until the 14th Amendment, the Bill of Rights protected the people from the national government only. The states were restricted only by such guarantees to the people as appeared in the state constitutions. The due process clause and the equal protection clause in the 14th Amendment have since been interpreted by the U.S. Supreme Court as making almost all of the guarantees of the Bill of Rights binding upon the states.


14TH AMENDMENT
NO STATE SHALL DENY TO ANY PERSON...EQUAL PROTECTION OF THE LAWS
BILL OF RIGHTS
EXTENDS THE BILL OF RIGHTS TO ALL PEOPLE IN EVERY STATE

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT 15 (1870)

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 16 (1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

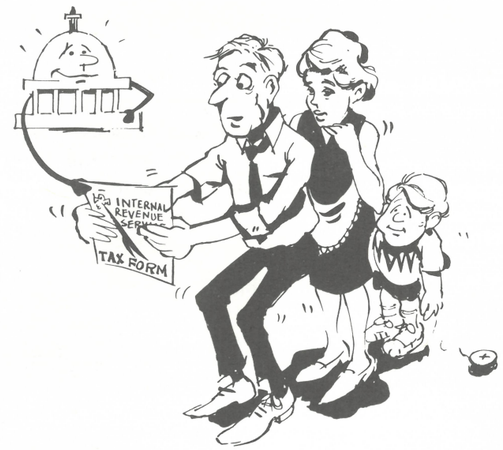
AMENDMENT 17 (1913)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State **legislature.**

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

16TH AMENDMENT



"THE CONGRESS SHALL HAVE POWER, TO LAY AND COLLECT TAXES ON INCOMES..."

16- Income Tax

A rural, agricultural society makes few demands on government and, therefore, pays little in taxes. An industrial world power puts many demands on government, and by 1913 the national government was looking for new sources of revenue. The constitutionality of a federal income tax had been questioned; the 16th Amendment solved that problem.

17- Direct Election of Senators

At first, U.S. Senators were selected solely by state legislatures. The 17th Amendment provides that the qualified voters in each of the states directly elect their own Senators. It also provides that, should a Senate vacancy occur between elections owing to the resignation, disability or death of a Senator, a state legislature may empower the state governor to appoint a temporary Senator until an election can be held.

AMENDMENT 18 (1919)

Section 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the date of the submission hereof to the States by Congress.

(18th Amendment repealed by the 21st Amendment)

AMENDMENT 19 (1920)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by approriate legislation.

AMENDMENT 20 (1933)

Section 1

The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

18- Prohibition of Intoxicating Liquors

This Amendment was unique and controversial in affecting "personal" freedoms. It prohibited the manufacture, transportation and sale of alcoholic beverages in the United States. Also, it granted both Congress and the individual states rights to enforce this federal ban.

This Amendment was repealed December 5, 1933 by the 21st Amendment, though several of the states continued to enforce their own laws, unaffected by this Amendment.

19- Woman Suffrage

The right of all citizens to vote was not specified in the Constitution. The states, therefore, reserved the right to regulate voting. As a result, certain groups were discriminated against by not being permitted to exercise this right. We have seen that the 15th Amendment expressly stated that the vote "shall not be denied or abridged on account of race, color or previous servitude". It did not, however, include "sex".

The successful struggle for woman suffrage, begun in the United States in 1850, was waged for 70 years before it was won through the passage of this Amendment, just one year after Great Britain adopted its first suffrage equality.

This Amendment gave the ballot to women of legal voting ages.

20- Changing the Time of Convening Congress and of Inaugurating the President and Vice-President

This so-called "lame duck" Amendment changed the beginning of presidential and vice-presidential terms of office from March 4th to January 20th, and congressional terms from March 4th to January 3rd, thus eliminating the short (or "lame duck") sessions.

It also provided for the successor to the presidency in case:

a. President-elect dies or is disabled.
b. No President is duly elected.
c. An elected president fails to qualify.

Blue type indicates original form that does not apply today.

Section 3

If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT 21 (1933)

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

The original Constitution was written in the horse and buggy days. It took a long time to travel from one part of the nation to another. Several months were required after election day for the newly elected officials to travel to the capital. By 1933 these dates could be changed to shorten the time between election and taking office. The 20th Amendment is called the "lame duck" Amendment because it eliminated the four-month period during which defeated office holders remained in office.

Death of President-elect

There was a question about who would be inaugurated President, if the new President should die before he and the new Vice-President took the oath of office. The 20th Amendment provides that the new Vice-President shall become President if this situation should ever arise.

The Presidential Succession Act establishes an order of succession for the chief position of leadership in our country in the event that both the President and Vice-President die. The SPEAKER OF THE HOUSE OF REPRESENTATIVES succeeds the Vice-President. He is succeeded by the PRESIDENT PRO TEMPORE of the Senate, the Secretary of State and the other Secretaries of the Cabinet according to the order in which their departments were formed.

Amendment 21

If an amendment does not work out to the people's satisfaction, it may be repealed by a later amendment. This is what the 21st Amendment did to the 18th.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT 22 (1951)

Section 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

Blue type indicates original form that does not apply today.

But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress and **shall not prevent any person who may be holding the office of President, or acting as President during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.**

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT 23 (1961)

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice-President, to be electors appointed by a State, and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 24 (1964)

Section 1

1. The right of citizens of the United States to vote in any primary or other election for President or Vice-President, or electors for President or Vice-President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT 25 (1967)

Section 1

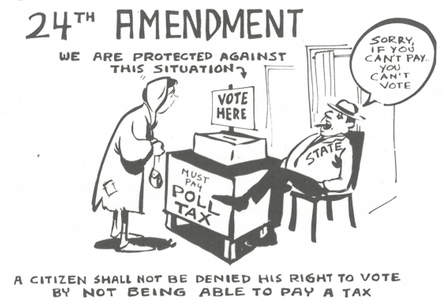
1. In case of the removal of the President from office or his death or resignation, the Vice-President shall become President.

22- Presidential Term

Until the Presidency of Franklin D. Roosevelt, it was traditional for the President to serve a maximum of two terms. The 22nd Amendment made this custom a matter of law. Can you figure out the maximum number of years that a President could serve? Although he did not seek reelection, President Truman, who was in office when this amendment was ratified, was not subject to it provisions.

23- Presidential Electors for Washington, D.C.

This Amendment marked the climax of a long-fought campaign waged by residents of Washington, D.C., since 1874, when the seat of U.S. Government was made a municipal corporation by Congress for the right to vote in Presidential elections.



A CITIZEN SHALL NOT BE DENIED HIS RIGHT TO VOTE BY NOT BEING ABLE TO PAY A TAX

24- Abolition of the Poll Tax in Federal Elections

This amendment extended the right to vote by abolishing the POLL TAX in federal elections. Can you list the Constitutional Amendments that have made the U.S. a more democratic nation?

25- Presidential Disability and Succession

The original Constitution [Article 2, Section 1, 5] states that the Vice-President shall assume the President's powers and duties in case of his removal, death, resignation, or inability to perform his duties. It does not make clear, however, how inability is to be determined. This amendment enables the President to assign his responsibilities to the Vice-President and gives the Congress the right to declare the Vice-President the Acting President when the President is too ill to make the decision himself.

In the past, when a President died and the Vice-President succeeded him, we were without a Vice-President until the next election. The 25th Amendment makes possible the appointment of a new Vice-President without waiting for the next election. Under provisions of this amendment President Richard Nixon appointed Gerald Ford Vice-President. Ford took office December 6, 1973, succeeding Vice-President Spiro Agnew, who had resigned on October 10, 1973, following charges of tax evasion. On August 9, 1974, Nixon resigned as President, and Ford immediately became President. President Ford

SECTION 2

Whenever there is a vacancy in the office of the Vice-President, the President shall nominate a Vice-President who shall take the office upon confirmation by a majority of both houses of Congress.

SECTION 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.

SECTION 4

Whenever the Vice-President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice-President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice-President shall continue to discharge the same as Acting President, otherwise, the President shall resume the powers and duties of his office.

Amendment 26 (1971)

SECTION 1

The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or any state on account of age.

SECTION 2

The Congress shall have the power to enforce this article by appropriate legislation.

then appointed Nelson Rockefeller as Vice-President.

In 1985 President Reagan was operated on for intestinal cancer. Prior to the operation he submitted a letter to the Speaker of the House, the Senate President Pro Tempore, and to Vice President George Bush that he would be temporarily incapacitated. Subsequent to the operation he sent a letter to those three officials declaring his resumption of Presidential duties.

A 27th Amendment?

Several proposals for Constitutional amendments have been considered in recent years.

In March, 1972, the Congress proposed the "Equal Rights Amendment" (ERA) for ratification by the States.

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

After the seven year period authorized for ratification, the proposal lacked approval of the three-quarters of the States needed for adoption. Despite an extension of the ratification period, the ERA failed to win endorsement.

A proposal for voluntary prayer in public schools has not won approval in Congress and so has not been submitted to the States.

However, a proposal for a "Balanced Budget" amendment has been advanced by means of an alternate route provided in Article Five. By 1985 legislatures in 37 States had voted for a national constitutional convention to consider an amendment that each year would require Congress (with some exceptions) to adopt a budget in which authorized expenditures would not exceed estimated revenues.

GLOSSARY

ABRIDGE: If a person's rights are abridged, they have been lessened or taken away. Our Constitution prohibits government from abridging the rights of a citizen.

ADJOURN: To end a meeting. A Congressional session refers to a series of meetings. The Congress adjourns after each session and meets again the following January.

AMENDMENT: A change in a constitution or law.

APPEAL: If an individual believes he has not had a fair trial, or that the law under which he has been convicted is unconstitutional, he may be able to have a hearing in a higher or appellate court. This process is called appeal.

APPELLATE JURISDICTION: The power to review the judgment of another court.

ARTICLES OF CONFEDERATION: The first Constitution of the U.S.

BAIL: A sum of money or equivalent pledged to secure the temporary release of an arrested person. The bail is a guarantee the person will appear for his trial.

BILL: A proposed statute. It is not a law until it has been passed by both houses of Congress and signed by the President. Thousands of bills are introduced into the Congress each session. Only a small portion of them become law.

BILL OF ATTAINDER: A law which punishes a person without a trial. Such a law is forbidden by our Constitution.

BILL OF RIGHTS: The first ten amendments to the Constitution. They specify things that government may not do.

BRANCH: Refers to the three major departments of our government: legislative, executive, and judicial. Do not confuse branches with levels of government.

CENSUS: The process by which the national government counts all of the people in the U.S. and gathers many other facts about our population. The Constitution requires that a population census must be taken every 10 years so that the number of Representatives each state should have in the House of Representatives can be determined.

CENTRAL GOVERNMENT: Same as national government and federal government.

CHECKS AND BALANCES: Checks refer to the ability of one branch of government to overlap and restrict the power of another branch. Balances refers to the attempt of our Constitution to divide governmental powers equally among the three branches.

CHIEF EXECUTIVE: The head of the executive branch of a government, such as the President, the governor of a state, or the mayor of a city.

CIVIL RIGHTS: Certain liberties and protections against governmental abuse guaranteed by our Constitution.

COMMERCE CLAUSE: Gives the Congress power to regulate business among the states. It enabled the national government to assume responsibilities not mentioned specifically in the Constitution.

CONCUR, CONCURRENCE: Agreement. In our Constitution this term refers to the need for both houses of Congress to agree on the passage of a bill.

CONGRESS: The legislative branch of our national government; the Senate and House of Representatives.

CONGRESSMAN: Usually means a member of the House of Representatives. However, the term can mean either a Representative or a Senator.

CONSTITUTIONAL: A law or action that does not violate the provisions of our Constitution.

DEMOCRATIC PARTY: One of the two major political organizations in the United States, established in 1828.

DICTATORSHIP: An unlimited government in which the ultimate power is in the hands of the rulers, not the people. Usually "dictatorship" refers to a one-man government.

ELASTIC CLAUSE: Permits the Congress to pass any laws "necessary and proper" to fulfill the responsibilities listed in the Constitution. The elastic clause has permitted Congress to expand the powers of the national government.

ELECTORAL COLLEGE: The group of men and women who actually elect the President and Vice-President. These people usually vote as directed by the majority of voters in their states.

ELECTORAL VOTES: The votes cast by members of the Electoral College. In a Presidential election, the number of such votes that a state has is determined by the number of representatives it has in Congress (both House and Senate). Three for the District of Columbia—total votes 538.

ENUMERATED POWERS: The powers specified in the Constitution as belonging to Congress, sometimes called "delegated powers." An example, the power to coin money.

EXECUTIVE BRANCH: The major department of government that administers and enforces the laws. It includes the President, his Cabinet, and thousands of federal employees.

EX POST FACTO LAW: A law that punishes a person for something he did before the law was passed. Forbidden by our Constitution.

FEDERAL COURTS: United States courts or national courts. Federal courts are concerned with Constitutional questions and violations of federal law.

FEDERAL GOVERNMENT: Refers to our national government.

FEDERAL LAW: Those laws passed by the Congress of the U.S. Remember that they are different from the laws passed by the legislatures of your state, county, and city.

FEDERAL SUPREMACY: The supremacy of the national government over state governments. If there is a conflict between a state and the national government, the U.S. Constitution and federal law prevail. The decisions of federal courts prevail over those of state courts. The basis of this principle is Article VI, sometimes called the Supremacy Clause.

FEDERAL SYSTEM: A system of government that divides powers between the national government and state governments. Such a system permits the states to act independently in certain functions and attempts to prevent the concentration of power in the national government.

FOUNDING FATHERS: The men who attended the Philadelphia Convention of 1787 and wrote the Constitution. Thomas Jefferson, although not present at the Constitutional Convention is esteemed as one of our Founding Fathers also because of the influence he exerted within this group and in the founding of our Country.

HABEAS CORPUS: The "great writ of liberty", requiring that an arrested person be brought before a judge before being kept in jail for a long time and the time and reason for his arrest stated, to determine whether or not he has been lawfully imprisoned. Also, the right of a citizen to obtain such a writ and hearing, as protection against illegal imprisonment.

In addition, the statute insuring that no person may be tried in a court of law who has not been previously summoned and brought bodily into court and the cause for his arrest declared.

HOUSE: The Congress of the U.S. is divided into two parts or "houses," the Senate and the House of Representatives. When we refer to "the House" we mean the House of Representatives.

HOUSE OF REPRESENTATIVES: The lower house of the Congress. Each member represents 400,000 to 500,000 citizens.

IMPEACH, IMPEACHMENT: To accuse. To determine that a government official should be tried for unlawful action the House of Representatives may conduct a hearing to judge evidence against a national officer. If the House votes to impeach the official, the U.S. Senate will conduct a trial to decide whether the official should be removed from office. Remember, impeachment does not necessarily mean an official has been removed from office. To impeach is to charge.

IMPLIED POWERS: The powers belonging to the Congress by reason of its right to pass laws necessary for fulfilling those responsibilities specifically mentioned in the Constitution (see ELASTIC CLAUSE). An example is the power to regulate certain telephone and TV services.

INTERSTATE COMMERCE: Business activities that extend beyond the boundaries of any one state.

JUDICIAL BRANCH: The major department of government that interprets the laws, judges their constitutionality, and judges and determines the punishment for those who break the laws. At the national level, it is made up of the U.S. Supreme Court and the lower federal courts.

JURISDICTION: The responsibilities of a part of government. The jurisdiction of a court is limited by the kind of case it may hear and the geographical area in which it functions.

JURY: In a trial, the group of citizens who hear the evidence and decide whether a person is innocent or guilty.

LEGISLATIVE BRANCH: The major department of government that makes the laws. The Congress, including the Senate and the House of Representatives.

LEVEL OF GOVERNMENT: In our federal system, each level of government has a geographical area of jurisdiction. Think of it as a four story building:

NATIONAL GOVERNMENT
STATE GOVERNMENTS
COUNTY GOVERNMENTS
CITY GOVERNMENTS

Do not confuse "level" with "branch."

LIMITED GOVERNMENT: The power of those who govern is controlled by a constitution.

MILITIA: A group of citizen soldiers as distinguished from the regular army.

NATIONAL GOVERNMENT: The central government of the United States, often called the federal government.

NATURAL-BORN CITIZEN: A person who is a citizen by birth.

NATURALIZED CITIZEN: A citizen of another country who establishes a residence in the U.S. and completes the legal requirements for becoming a U.S. citizen.

PETITION: A request or a plea. It may contain a list of complaints or demands and be signed by many people.

POLL TAX: A tax that must be paid before a citizen is allowed to vote. Now unconstitutional.

PREAMBLE: The introduction to our Constitution. It states the purposes of the Constitution and the government.

PRESIDENTIAL SUCCESSION ACT: The statute that tells who becomes President if both the President and Vice-President die or are otherwise removed from office.

PRESIDENT PRO TEMPORE: The temporary president of the Senate. He is usually a man who has been a Senator for a very long time. He serves as chairman of the Senate when the Vice-President is not there.

RATIFY: To approve, as in the case of the Senate ratifying a treaty or the states' ratifying an amendment to the Constitution.

REAPPORTION: The number of members that a state has in the House of Representatives depends on how large its population is. Every 10 years a census is taken to determine how the population has shifted among the states. Then the seats or memberships in the House are reapportioned.

REPEAL: To eliminate or abolish a law or part of a constitution.

REPUBLIC, REPUBLICAN: A system of government in which the people elect representatives to make and administer the laws. As used in the Constitution, it does not mean the modern-day Republican Party.

SENATE: The upper house of the Congress.

SESSION: The time during which the Congress holds its meetings.

SOVEREIGN: Having supreme authority.

SPEAKER OF THE HOUSE: The presiding officer of the House of Representatives.

STATE GOVERNMENTS: The individual state governments such as those of California, New York, Texas, etc. Under our federal system, we have 50 separate state governments.

STATE OF THE UNION ADDRESS: The speech that the President gives to the Congress early each year.

STATES' RIGHTS: The belief that in a federal system the individual states should have certain powers that the national government cannot exercise. This principle is expressed in the 10th Amendment.

SUFFRAGE: The right to vote.

SUPREME COURT: The highest court in the nation. Its decisions prevail over any lower court decision or legislative act.

TREATY: A written agreement between two or more nations.

UNCONSTITUTIONAL: A law or action that violates a provision of our Constitution.

VETO: The power to negate an action. If the President approves a bill passed by the Congress, he signs it. If he does not like the bill and resuses to sign it, we say he has vetoed the bill.

VICE-PRESIDENT: The second officer of our government. He is presiding officer of the Senate but votes only if there is a tie. If the president dies, is incapacitated, or resigns, the Vice-President becomes President.

WARRANT: An order from a judge permitting police officers to arrest a person or conduct a search.

WRIT: A court order requiring a legal procedure to be carried out.

U.S. CONSTITUTION

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